

Calendar No. 428

105TH CONGRESS
2^D SESSION

S. CON. RES. 97

Expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan.

IN THE SENATE OF THE UNITED STATES

MAY 18, 1998

Mrs. FEINSTEIN (for herself, Mr. BROWNBACK, Mr. DODD, Ms. LANDRIEU, Mrs. MURRAY, and Mr. D'AMATO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

JUNE 25, 1998

Reported by Mr. HELMS, with amendments

[Omit the part struck through and insert the part printed in *italic*]

CONCURRENT RESOLUTION

Expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan.

Whereas the legacy of the war in Afghanistan has had a devastating impact on the civilian population, and a particularly negative impact on the rights and security of women and girls;

Whereas the current environment is one in which the rights of women and girls are routinely violated, leading the Department of State in its 1997 Country Report on Human

Rights, released January 30, 1998, to conclude that women are beaten for violating increasingly restrictive Taliban dress codes, which require women to be covered from head to toe, women are strictly prohibited from working outside the home, women and girls are denied the right to an education, women are forbidden from appearing outside the home unless accompanied by a male family member, and beatings and death result from a failure to observe these restrictions;

Whereas the Secretary of State stated, in November 1997 at the Nasir Bagh Refugee Camp in Pakistan, that if a society is to move forward, women and girls must have access to schools and health care, be able to participate in the economy, and be protected from physical exploitation and abuse;

Whereas Afghanistan recognizes international human rights conventions such as the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the Covenant on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, and the International Covenant on Economic, Social, and Cultural Rights, which espouses respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender;

Whereas the use of rape as an instrument of war is considered a grave breach of the Geneva Convention and a crime against humanity;

Whereas people who commit grave breaches of the Geneva Convention are to be apprehended and subject to trial;

Whereas there is significant credible evidence that warring parties, factions, and powers in Afghanistan are responsible for numerous human rights violations, including the systematic rape of women and girls;

Whereas in recent years Afghan maternal mortality rates have increased dramatically, and the level of women's health care has declined significantly;

Whereas there has been a marked upswing in human rights violations against women and girls since the Taliban coalition seized Kabul in 1996, including Taliban edicts denying women and girls the right to an education, employment, access to adequate health care, and direct access to humanitarian aid; and

Whereas peace and security in Afghanistan are conducive to the full restoration of all human rights and fundamental freedom, the voluntary repatriation of refugees to their homeland in safety and dignity, the clearance of mine fields, and the reconstruction and rehabilitation of Afghanistan: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That Congress—

3 (1) deplores the continued human rights viola-
4 tions by all parties, factions, and powers in Afghani-
5 stan;

6 (2) condemns targeted discrimination against
7 women and girls and expresses deep concern regard-
8 ing the prohibitions on employment and education;

9 (3) strongly condemns the use of rape or other
10 forms of systematic gender discrimination by any

1 party, faction, or power in Afghanistan as an instru-
2 ment of war;

3 (4) calls on all parties, factions, and powers in
4 Afghanistan to respect international norms and
5 standards of human rights;

6 (5) calls on all Afghan parties to bring an end
7 without delay to—

8 (A) discrimination on the basis of gender;
9 and

10 (B) deprivation of human rights of women;

11 (6) calls on all Afghan parties in particular to
12 take measures to ensure—

13 (A) the effective participation of women in
14 civil, economic, political, and social life through-
15 out the country;

16 (B) respect for the right of women to
17 work;

18 (C) the right of women and girls to an
19 education without discrimination, reopening
20 schools to women and girls at all levels of edu-
21 cation;

22 (D) respect for the right of women to
23 physical security;

24 (E) those responsible for physical attacks
25 on women are brought to justice;

1 (F) respect for freedom of movement of
2 women and their effective access to health care;
3 and

4 (G) equal access of women to health facili-
5 ties;

6 (7) supports the work of nongovernmental orga-
7 nizations advocating respect for human rights in Af-
8 ghanistan and an improvement in the status of
9 women and their access to humanitarian and devel-
10 opment assistance and programs;

11 (8) calls on the international community to pro-
12 vide, on a nondiscriminatory basis, adequate human-
13 itarian assistance to the people of Afghanistan and
14 Afghan refugees in neighboring countries pending
15 their voluntary repatriation, and requests all parties
16 in Afghanistan to lift the restrictions imposed on
17 international aid and to cease any action which may
18 prevent or impede the delivery of humanitarian as-
19 sistance;

20 (9) welcomes the appointment of Ambassador
21 ~~Lakhtar~~ *Lakhdar* Brahimi as special envoy of the
22 United Nations Secretary General for Afghanistan,
23 and encourages United Nations efforts to produce a
24 durable peace in Afghanistan consistent with the

1 goal of a broad-based national government respectful
 2 of human rights; and

3 (10) calls on all warring parties, factions, and
 4 powers to participate with Ambassador Brahimi in
 5 an intra-Afghan dialogue regarding the peace proc-
 6 ess.

7 **SEC. 2. ADDITIONAL ACTION BY PRESIDENT.**

8 It is the sense of Congress that the President and
 9 Secretary of State should—

10 (1) work with the United Nations High Com-
 11 missioner for Refugees *and the international commu-*
 12 *nity* to—

13 (A) guarantee the safety of, and provide
 14 *international* development assistance for, Af-
 15 ghan women’s groups in Pakistan and Afghani-
 16 stan;

17 (B) increase support for refugee programs
 18 in Pakistan providing assistance to Afghan
 19 women and children with an emphasis on
 20 health, education, and income-generating pro-
 21 grams; and

22 (C) explore options for the resettlement ~~in~~
 23 ~~western countries~~ of those Afghan women, par-
 24 ticularly war widows and their families, who are

1 under threat or who fear for their safety or the
 2 safety of their families;

3 (2) establish an Afghanistan Women's Initia-
 4 tive, based on the successful model of the Bosnian
 5 Women's Initiative and the Rwandan Women's Ini-
 6 tiative, that is targeted at Afghan women's groups,
 7 in order to—

8 ~~(A) assist Afghan women in Pakistan and~~
 9 ~~Afghanistan in local capacity building;~~

10 *(A) facilitate organization among Afghan*
 11 *women's groups in Pakistan and Afghanistan;*

12 (B) provide humanitarian and development
 13 services to the women and the families most in
 14 need; and

15 (C) promote women's economic security;

16 (3) make a policy determination that—

17 (A) recognition of any government in Af-
 18 ghanistan by the United States ~~depends on the~~
 19 *should depend, among other things, on the*
 20 human rights policies towards women adopted
 21 by that government;

22 (B) the United States should not recognize
 23 any government which systematically maltreats
 24 women; and

1 (C) any nonemergency economic or devel-
2 opment assistance will be based on respect for
3 human rights; and

4 (4) call for the creation of—

5 (A) ~~a commission to establish~~ an inter-
6 national *commission to establish a* record of the
7 criminal culpability of any individual or party in
8 Afghanistan employing rape or other ~~crime~~
9 *crimes* against humanity considered a grave
10 breach of the Geneva Convention as an instru-
11 ment of war; and

12 (B) an ad hoc international criminal tribu-
13 nal by the United Nations for the purposes of
14 indicting, prosecuting, and imprisoning any in-
15 dividual responsible for crimes against human-
16 ity in Afghanistan.

17 **SEC. 3. REPORT.**

18 It is the sense of Congress that the Secretary of State
19 should submit a report to Congress not later than 6
20 months after the date of the adoption of this resolution
21 regarding actions that have been taken to implement this
22 resolution.

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